

Storytelling for Justice:

Structure, Scenes and Senses

SC Public Defense Annual Seminar
Everywhere, SC
September 22, 2020

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WHAT IS A TRIAL?

A battle of competing stories

Simple approach to Story

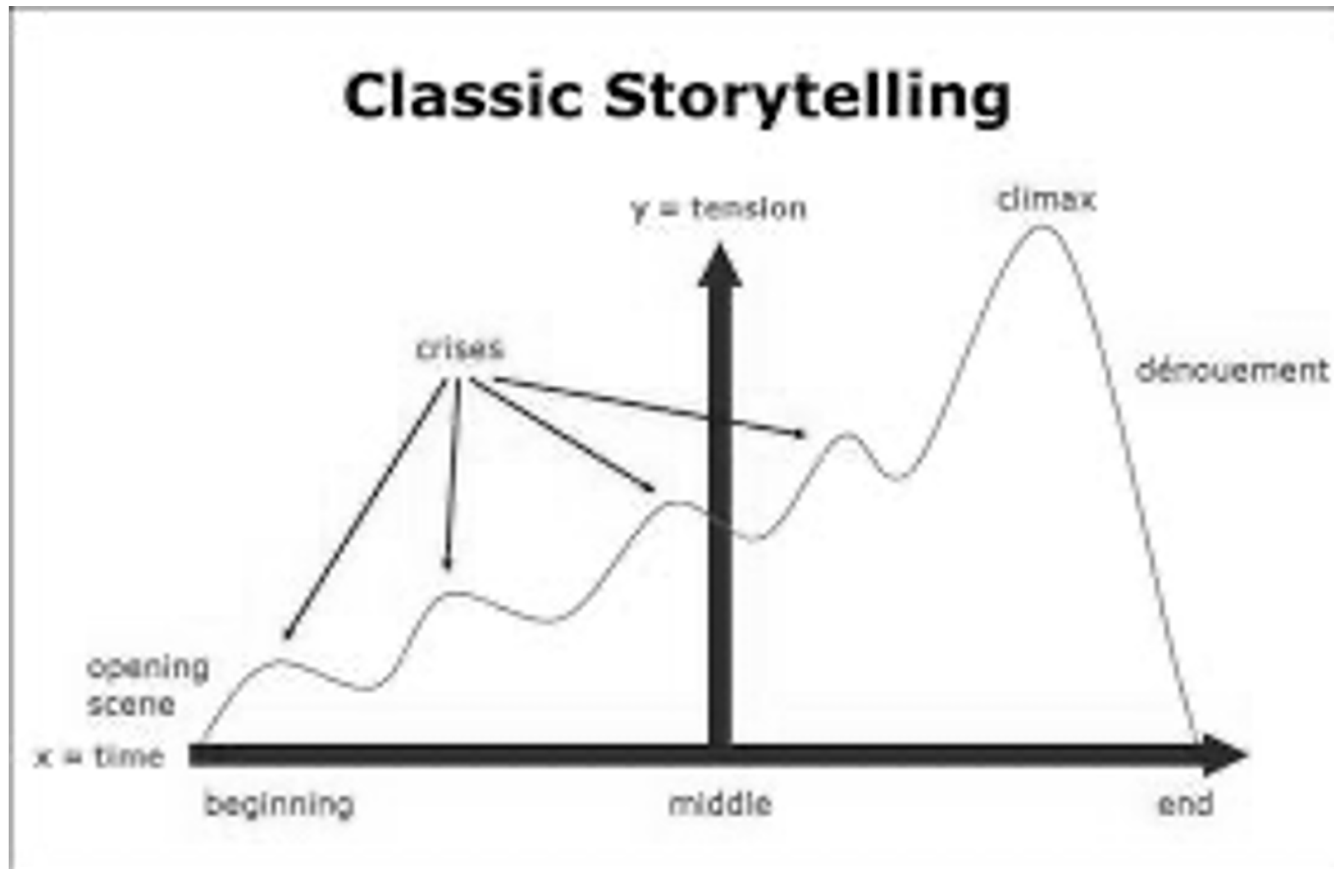
- I. What is your story structure?
- II. Find the scenes
- III. Animate the scenes – add senses and emotion
- IV. Use the scenes in trial
- V. Who is the hero?

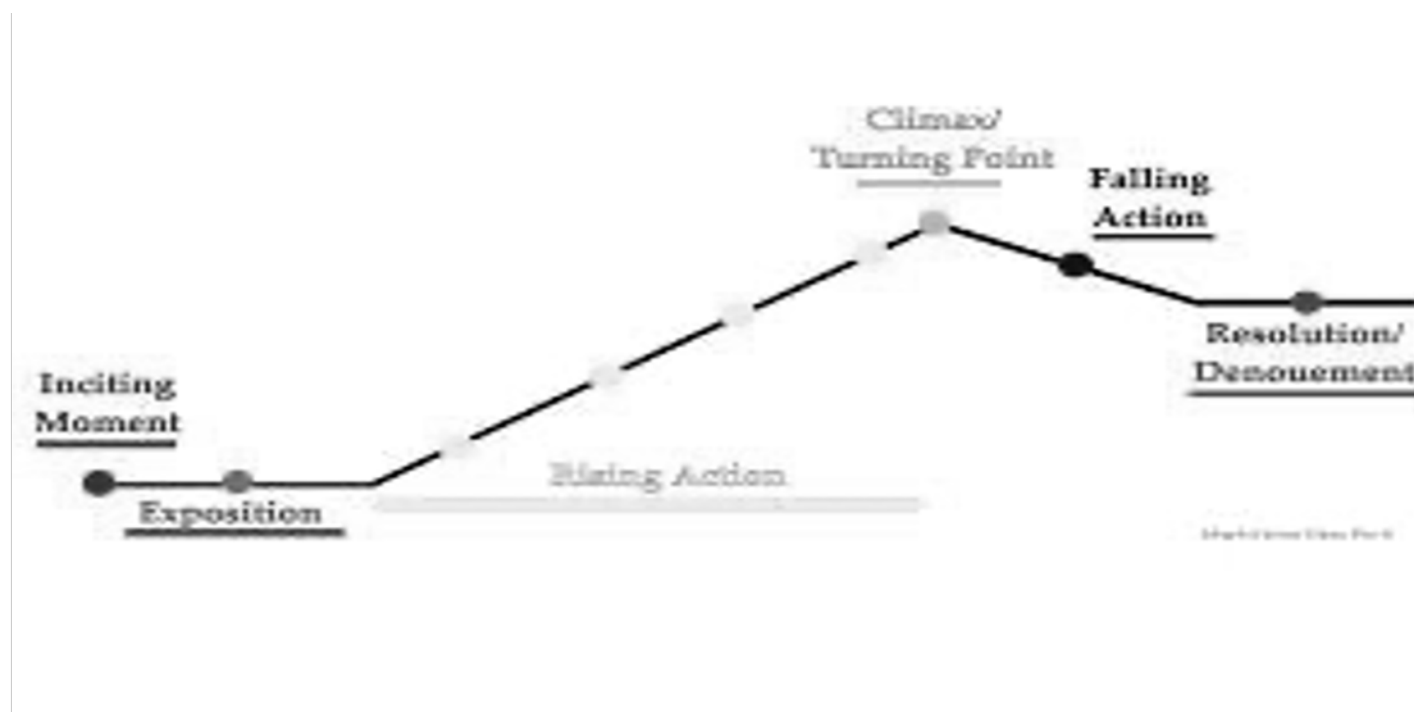
I. Story Structure

(a) What's the best structure for my client's story?

One large powerful story v. vignettes and simple scenes?

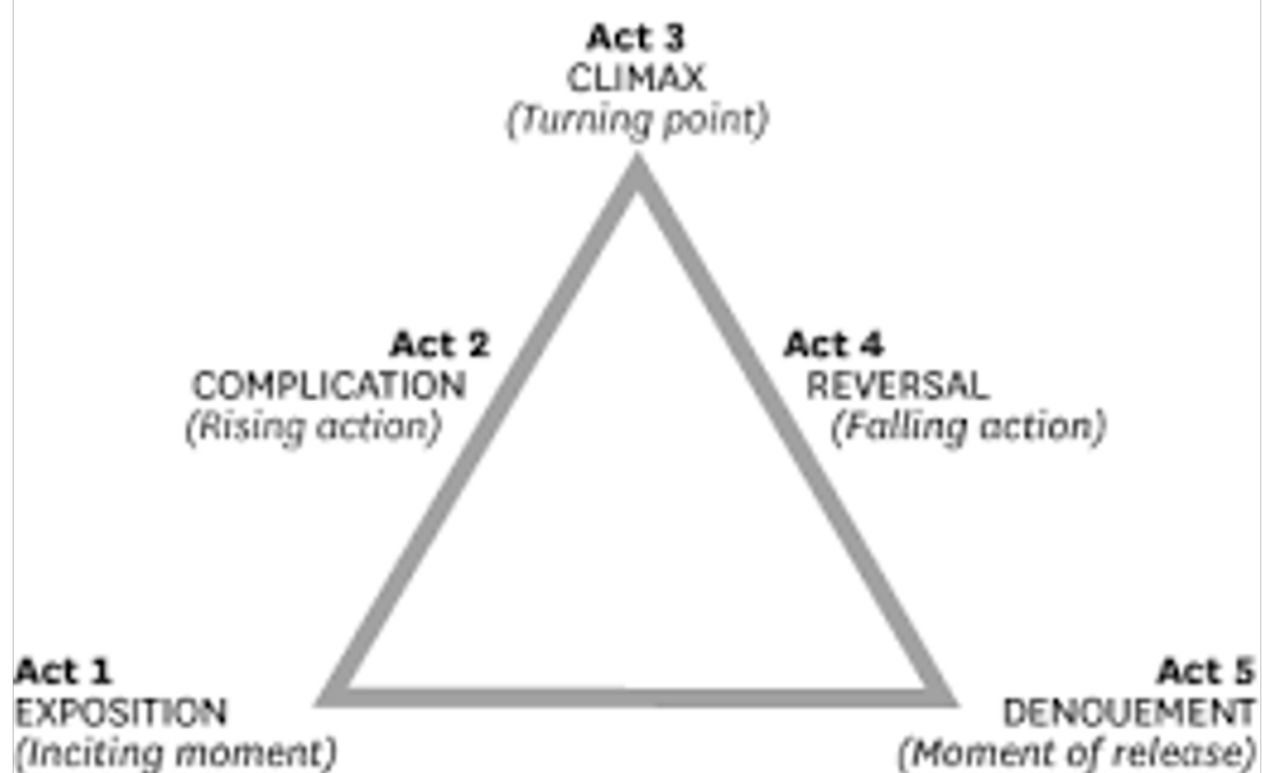
Story Structure

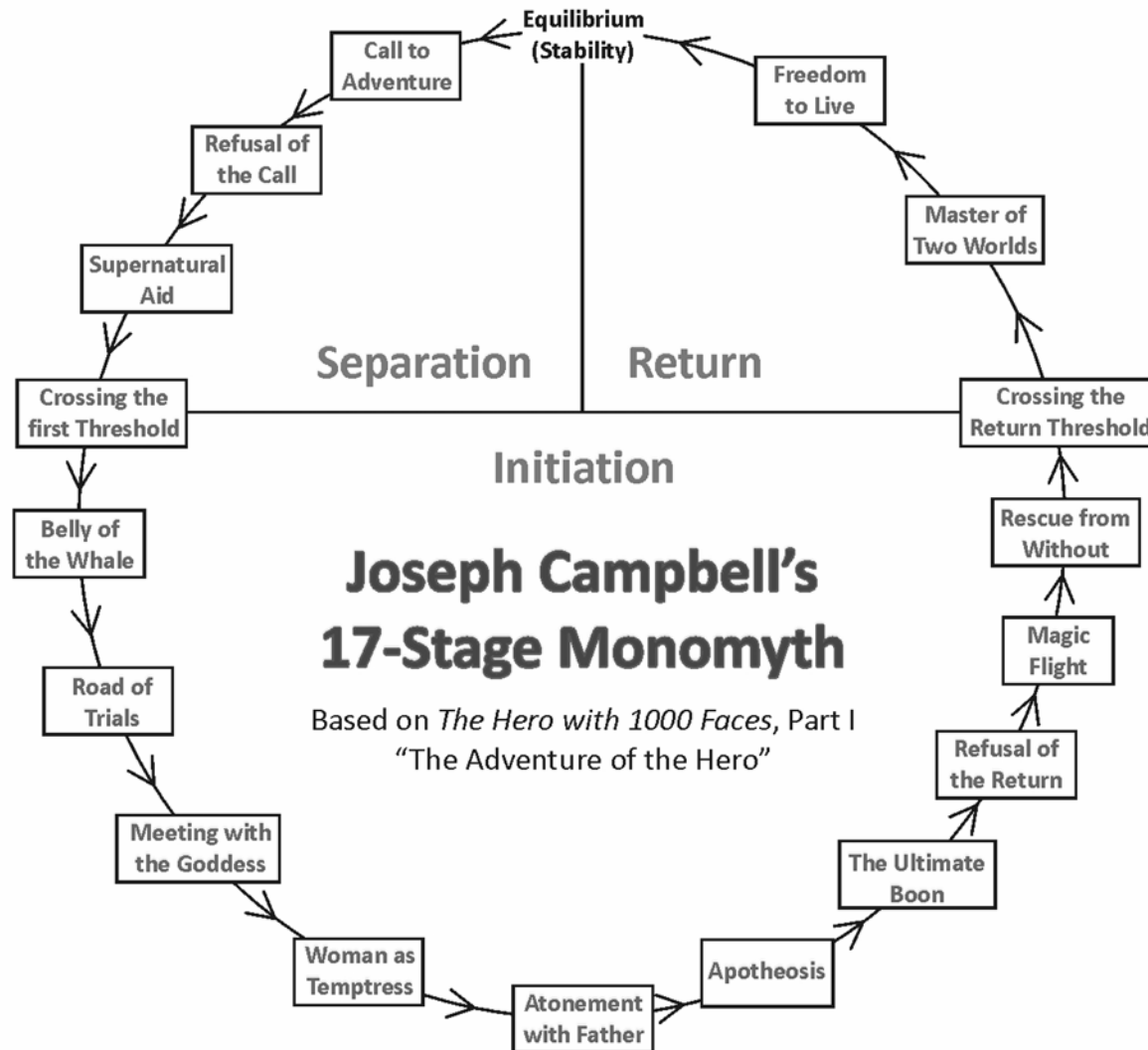




FREYTAG'S PYRAMID

This simple storytelling structure has worked for thousands of years.

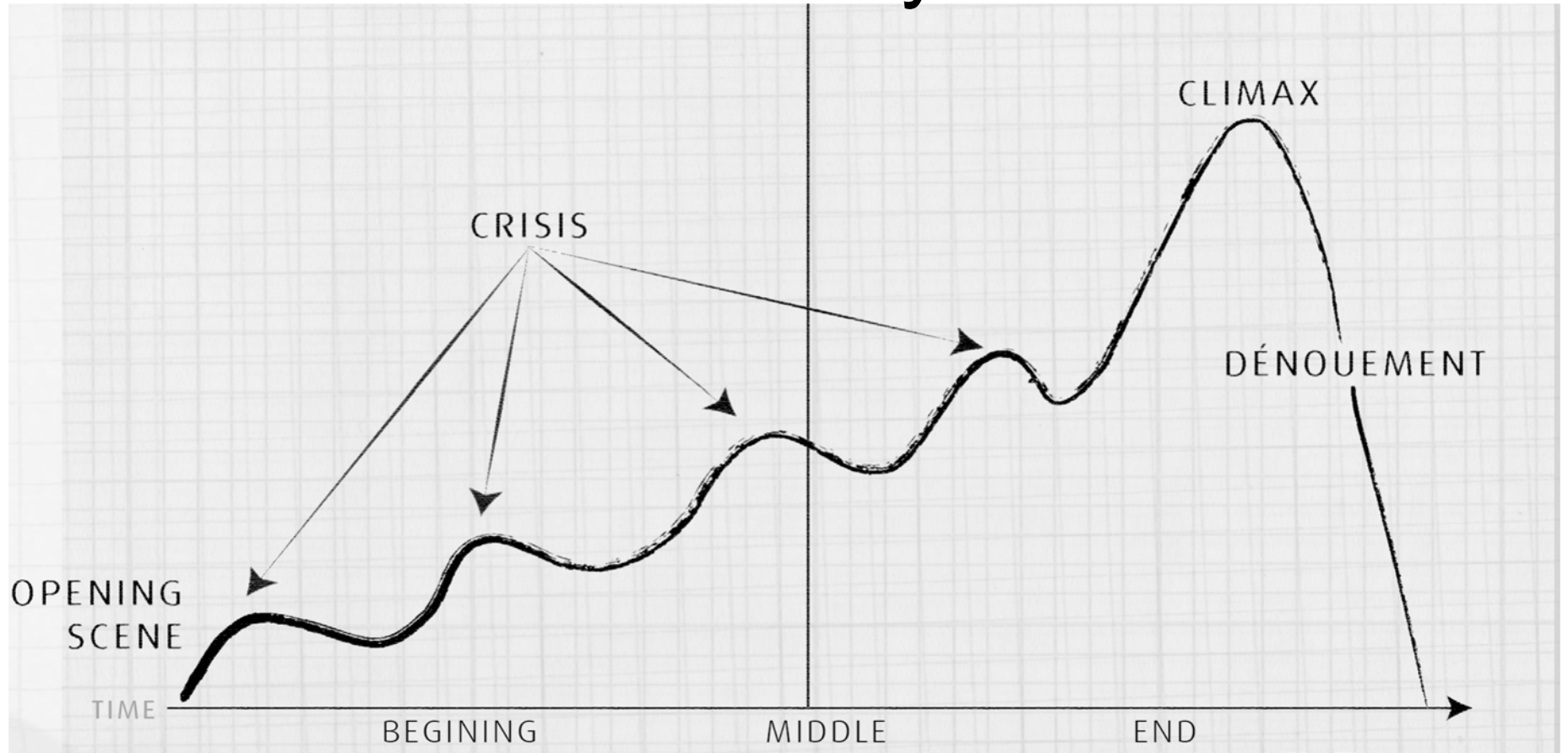




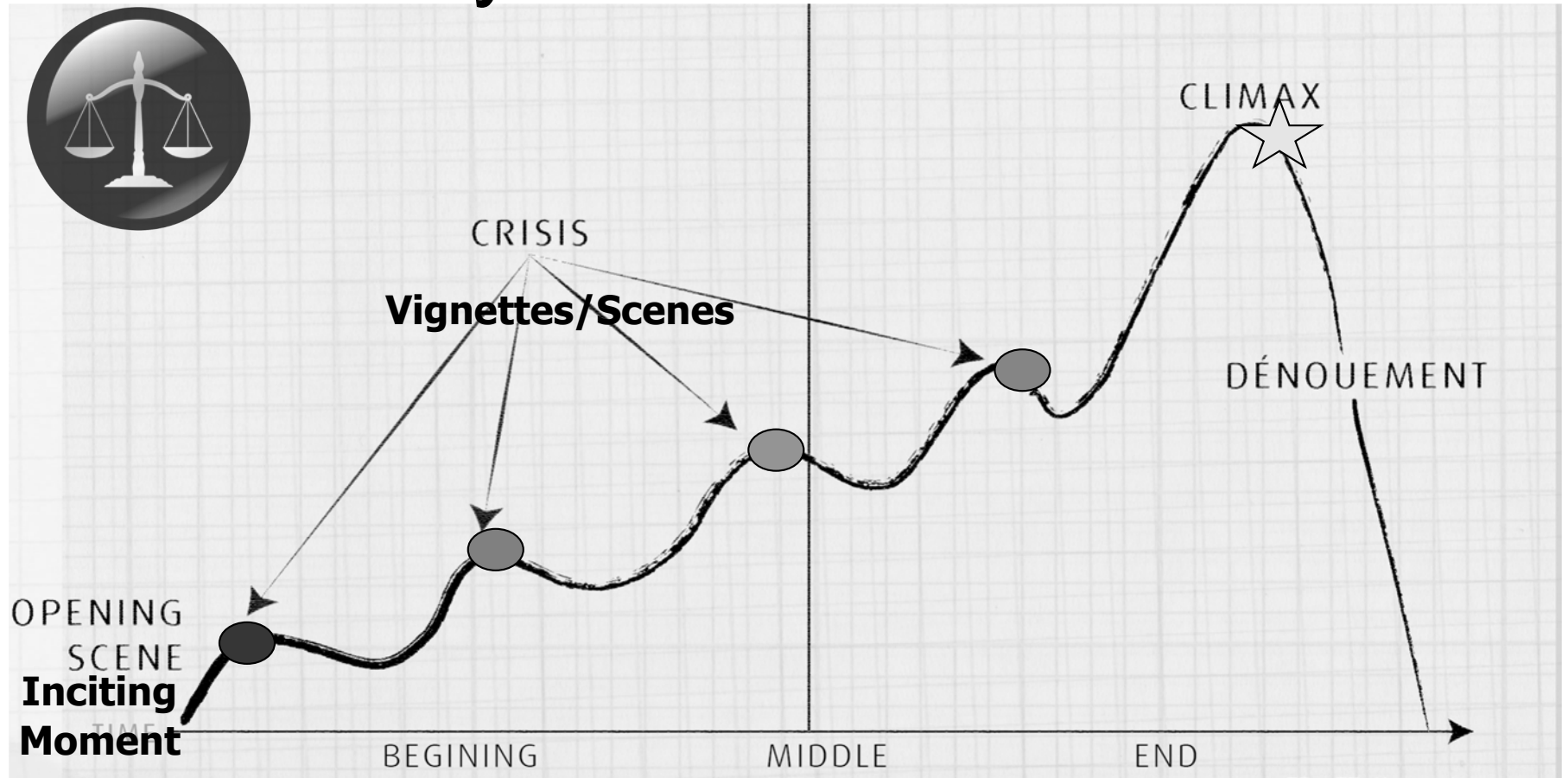
Steady State // Crisis => New Normal

--Prof. Tony Amsterdam

Traditional Story Structure



Story Structure for Cases

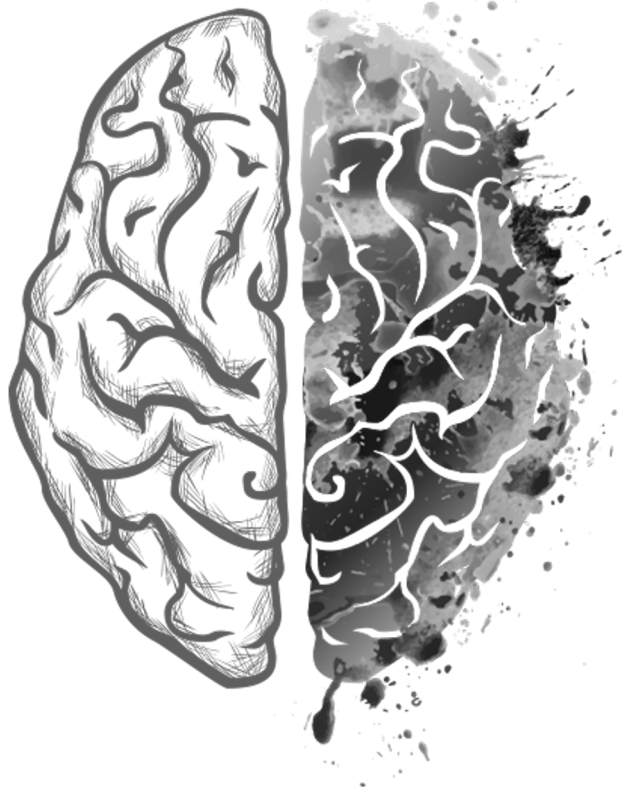


Common Story Archetypes?

Common Story Archetypes

- Blundering constable
- Lazy cop
- Lying cop
- Misidentification
- Accident
- Consent
- Entrapment
- Lying snitches
- Frame up
- The dupe
- Ambitious underlings cut out the boss
- Duress
- Etc. etc, etc.

Our Brains are WIRED for Story!



*“Story may be the
closest
we can get to
walking in another’s
shoes.”*

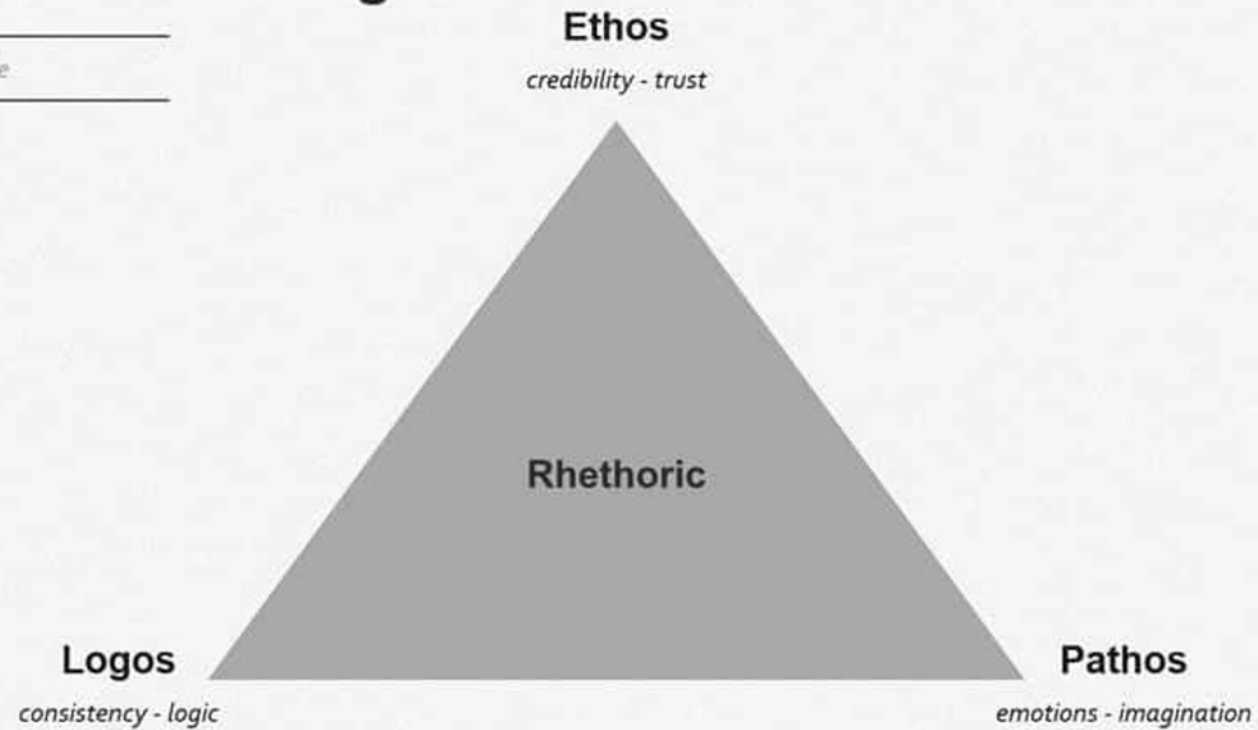
The Story Factor, Annette Simmons, 2006

II. Find the scenes

- brainstorm the scenes
- storyboard

Ethos-Pathos-Logos

Aristotle



1

“What a mess!”

1

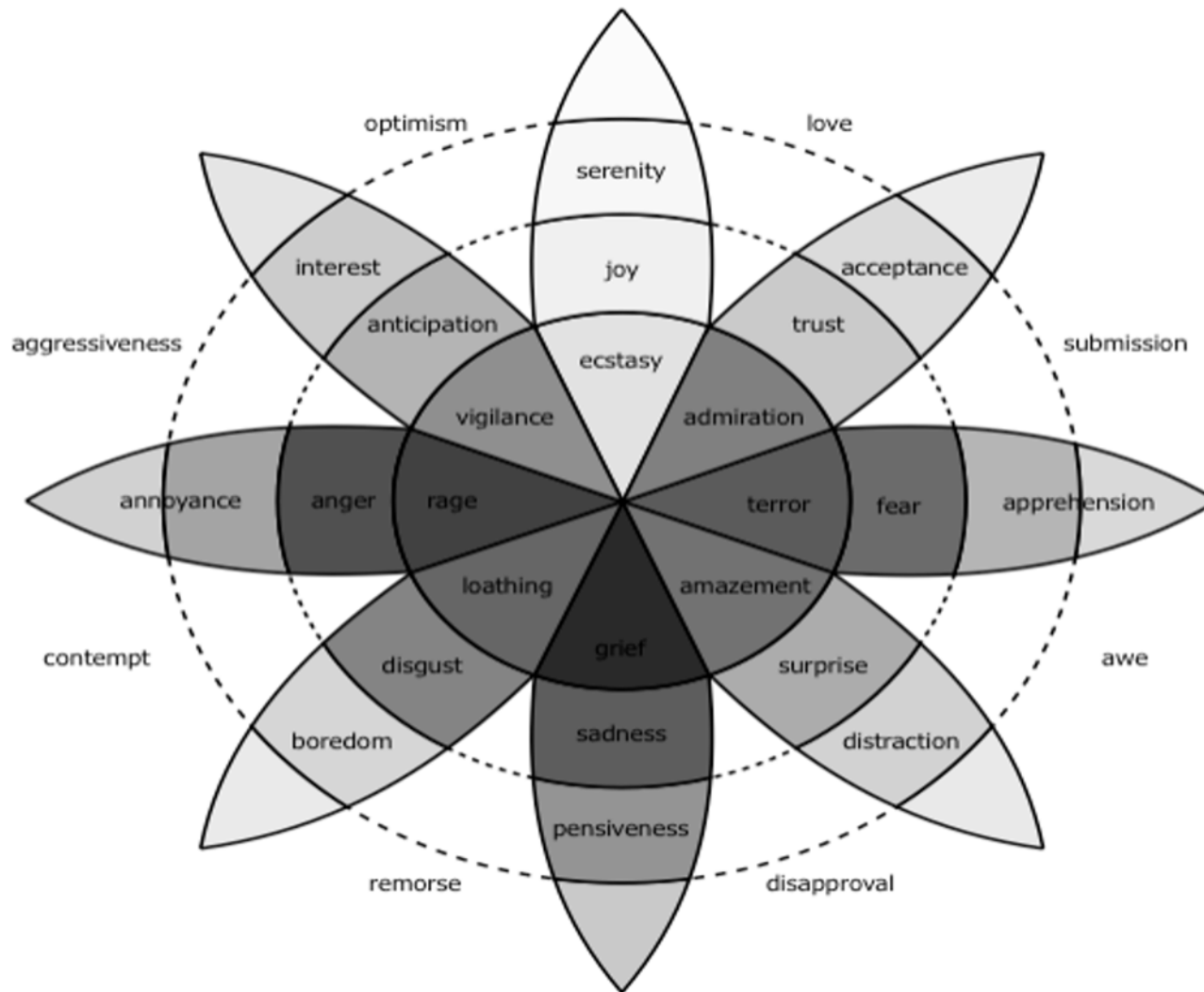
2

3

4

III. Animate the scenes

1. 5 senses.
2. Dominant emotion.
3. Show it, don't tell it.



IV. Using the fully developed scenes in trial

Process:

1. 10 word headline
2. Write out closing, opening, crosses
3. Brainstorm scenes
4. Choose/focus on 3-5 scenes
5. Storyboard -- choose sequence of scenes
6. Engage the 5 senses and emotion
7. Choose point of view
8. Choose tense (present?)
9. Show, don't tell
10. Work scenes into closing, opening, and crosses



Sequence for Closing

- Primacy
 - The Hook
 - Story from point of view (first person, present tense?)
- Law stuff
 - Facts, themes, vignettes, and stories interwoven and spliced together with transitions.
- Recency
 - Story (from another point of view)
 - The ASK (empower jurors to do justice)



Closing with Story

1. Hook -- primacy
2. Story → which POV?
3. Weave in law stuff (POI, BOP, BARD, Oath, Verdict....)
 - “not about...”
 - “Is about.../judge will say...”
4. Themes and story (3-5)
 - That accredit our case or
 - Undermine government’s case
5. 3 choices
6. Non-unanimity is okay
7. Beware of the sandbag – not a game, what would we say
8. Gov’t never loses when justice is done
9. Story
10. Stick the Landing -- Recency



Not a question of who lost the fight. The question is who started the fight?

- O** -- hook --> walking toward phone
- (looking for phone, not a fight)

Innocent because –

- 1 Presumed Innocent
 - 2 He said so, even though he could have stayed protected by the 5th Am
 - 3 Not one credible piece of evidence that Mr. Williamson was lying
- and the Gov. has the burden

[Go straight into POI or pivot to a few problems the Govt has with its case]

- No video
- Tate testified he doesn't remember if he started the fight
- Lack of motive by Williamson
- Lack of any credible evidence of who started the fight
 - o Tate
 - o Bellamy
 - o Britt
 - o Caldwell
 - o Mack
 - o Gibson

POI -- 2 approaches – sinister or time-tested protector of liberty

- 1 Sinister, a way to look through a lens of guilt
- 2 Or, consistent with OATH

O "But what if on that video Mr. Williamson threw the first punch...."

"No no no, without the video we must presume it would help Mr. Williamson by.... We must look at each piece of evidence to see if there is an innocent explanation."

BOP – on Govt, never on Δ

Always on the Govt,
Never moves, never shifts, never flips

O "But the Δ didn't explain..."

"Friend, remember, the Δ doesn't have to explain anything. The Gov't is the only one with the duty to answer questions, or explain anything. If we have any unanswered questions, the law requires us to ask, "why didn't the Gov't give us that information?"

BARD

- Served country well
- Founders no strangers to controversy
- If doubt based on reason, must acquit.

OATH

- Supreme court of the facts
- Power is great
- Almost unlimited
- Guided by only two things
 - 1 Respect for each other
 - 2 OATH

Oath to

- Hold the govt to the BOP
- If govt does not prove each element BARD, then you have a duty and obligation to acquit.

Verdict that speaks the truth

Q's for you

- 1 Did Govt prove fact?
- 2 BARD?
- 3 Does each piece of evidence have only 1 interpretation?

Corroboration of circumstantial evidence –

- O** Look at it in a way consistent with innocence

3 choices

- 1 Believe and know that the Gov't evidence **has proven each element of serious bodily injury BARD --> CONVICT.**
- 2 Believe evidence shows Mr. Williamson to be **innocent BARD** because he was acting in self defense, and that any suggestion to the contrary is not worthy of belief be of the prior convictions and the strong motivations of the witnesses make them unworthy of belief --> **ACQUIT.**
- 3 **What if you don't think it's either extreme?**
 - There was a fight, and Mr. Williamson
 - probably didn't start it

- may not have started it
- unlikely he started it

then **NOT GUILTY**

- OR,
 - Simply not enough evidence to know OR
 - you have a hunch that Mr. Williamson may have started it BUT
- Without the video
Without a guard in the unit
Without a neutral, honest witness who really saw the first aggressive move

then **NOT GUILTY**

[Lesser Included Offenses – minor jabs exceed self defense? But how do you know when to stop defending yourself when attacked in prison?]

UNANIMITY

- OK if no agreement
- Each of you must decide for yourself what is reasonable use of force and reasonable doubt

VERDICT THAT SPEAKS THE TRUTH

The TRUTH of

- o Is there solid, valid proof each and every fact?
- o Is there only 1 interpretation for each piece of evd?
- o Did the Govt meet BOP BARD for each element?

Hide the Pea Game/3-card Monte –

These are games of deception. They get the mark to focus on the wrong item. This case boils down to who started the fight. Yet the Gov't is trying to focus you on Identity and the extent of the INJURIES.

SHERLOCK HOLMES – Strength of the case should match the seriousness of the charge.

- No DNA
- Only 5 witnesses
- No followup medical exam this week by Dr. Fakry

LYING WITNESS INSTRUCTION

- O** Daniel Chapter 13 – Beautiful and virtuous Susanna and the 2 eyewitnesses
- O** Trust Mr. Bellamy with your kids?

BEWARE OF THE SANDBAG

Gov't argues last – beware of the sandbag argument

- 1 What would the Δ say if given a full and fair opportunity to respond?
- 2 Sandbag = special concerns/red flag. If the Govt likes this point so much, why did they wait to spring it?

GOVT NEVER LOSES WHEN JUSTICE IS DONE [DOJ courtyard]

EQUAL JUSTICE UNDER LAW [engraved on front of Supreme Court]

O He was looking for the phone, not a fight...

On the only issue in dispute, who started the fight, the evidence is clear, complete, and uncontroverted, Mr. Tate started the fight and Mr. Williamson acted in self-defense when he responded to the physical aggression.

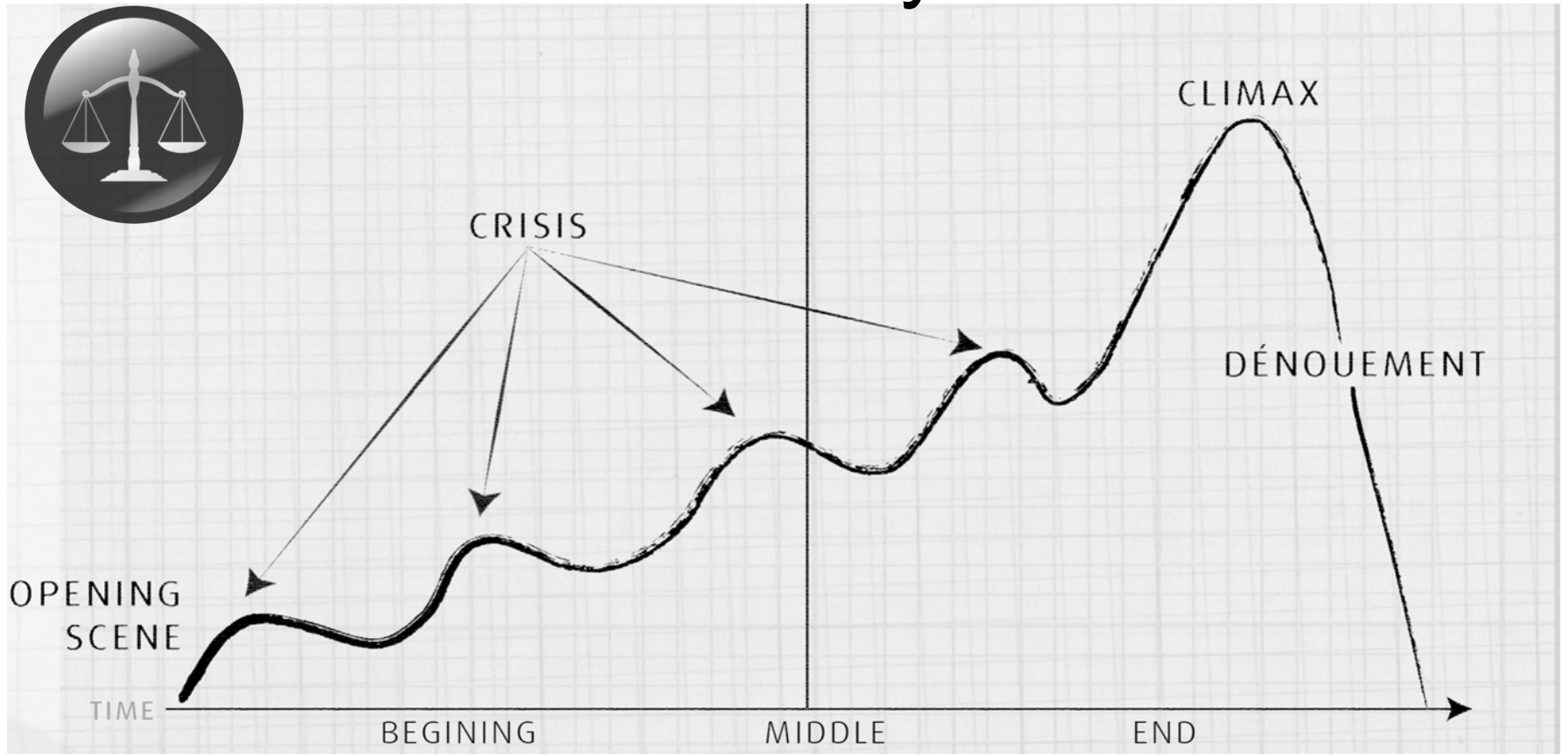
JURORS have the POWER TO DECIDE WHICH VAN TAKES MR. WILLIAMSON

- Minivan with his family to Augusta GA OR
- BOP van to ESTILL FCI

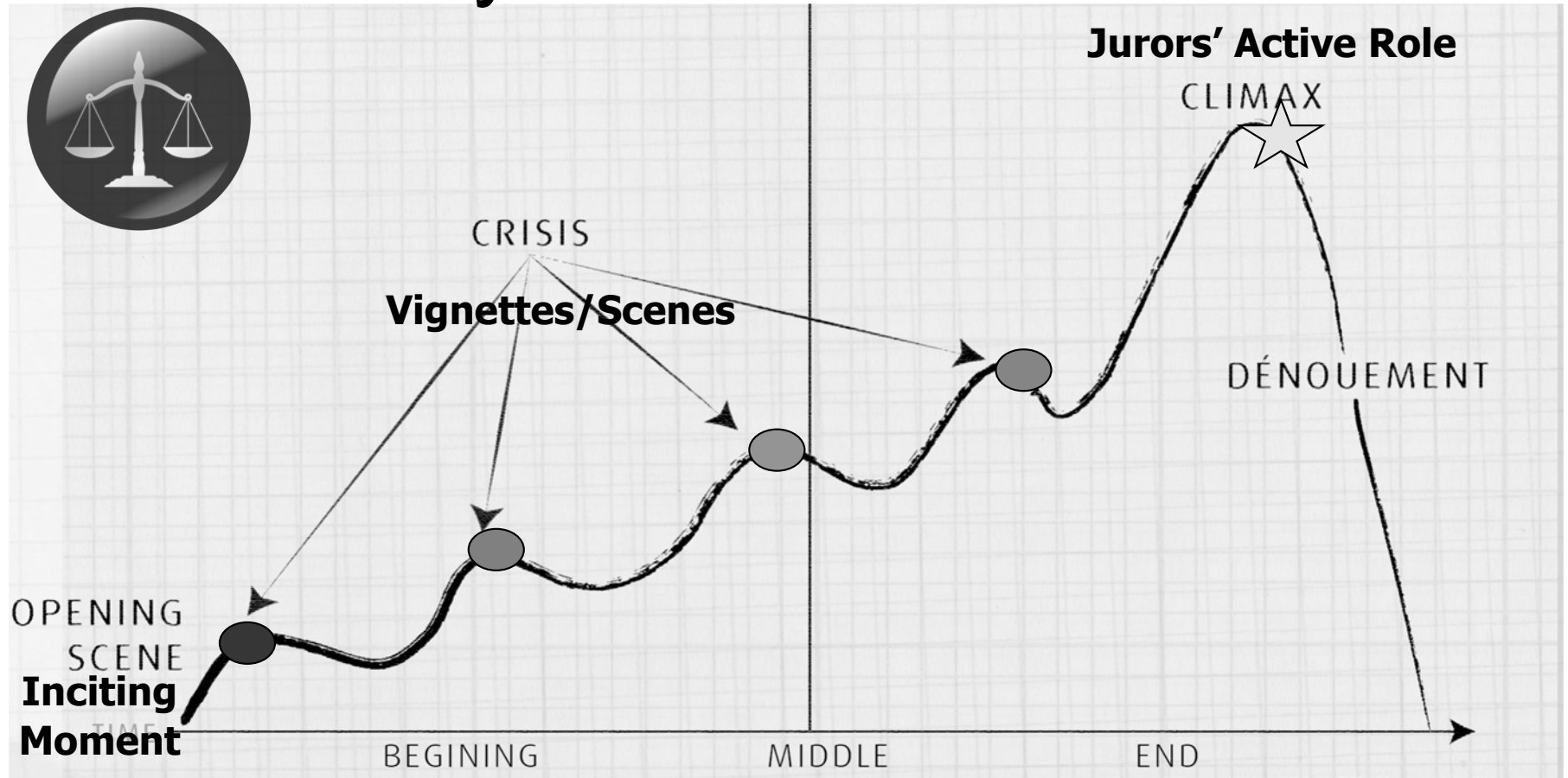
Please find him NOT GUILTY b/c Govt hasn't dis-proven Self Defense BARD!

V. the hero

Traditional Story Structure



Story Structure for Cases

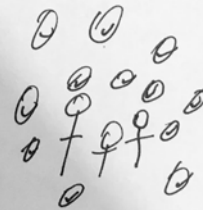
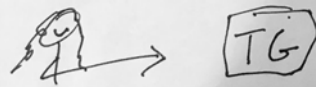




no bond
no canteen



9/6/17



Charleston man acquitted of federal charges in robberies of a Harris Teeter, bank

BY GREGORY YEE GYEE@POSTANDCOURIER.COM
OCT 19, 2018



Tevin Glover (center) pictured with attorneys Chris Adams (left) and Scott Bischoff (right).
Provided

PROVIDED

MORE INFORMATION



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POLICE ARREST



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Inside Charleston's federal courthouse on Wednesday Tevin Jawaun Glover waited nervously.

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Resources & Recommended Reading

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